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Docket No. 99-1CIP1DIV2
PATENT

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Issue Fees, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 4-26-04

BY:

Suzanne Shadley
Suzanne Shadley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bergh et al.
Serial No.: 09/728,263
Filed: 11/28/00
For: Methods And Apparatus For Fluid
Distribution In Microfluidic Systems

Confirmation No.: 7497
Group Art Unit: 1743
Examiner: E. Quan

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Preliminary Amendment | <input checked="" type="checkbox"/> Information Disclosure Statement |
| <input type="checkbox"/> Response/Amendment A | <input type="checkbox"/> Petition Under 37 CFR 1.97(d)(2) |
| <input type="checkbox"/> Response/Amendment After Final | <input checked="" type="checkbox"/> Formal Drawings |
| <input type="checkbox"/> Supplemental Amendment | <input type="checkbox"/> Declaration Under 37 CFR 1.131 |
| <input type="checkbox"/> Affidavits/Declarations | <input checked="" type="checkbox"/> Communication Under 37 CFR §1.312 |
| <input type="checkbox"/> Declaration and Power of Attorney | <input type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> Supplemental Declaration | <input type="checkbox"/> Small Entity Statement |
| <input type="checkbox"/> Power of Attorney | <input type="checkbox"/> Request for Refund |
| <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> Associate Power of Attorney | <input checked="" type="checkbox"/> Issue Fees |
| <input type="checkbox"/> Response to Missing Parts | <input type="checkbox"/> Status Letter |

to be filed in the above-identified patent application.

TOTAL AMOUNT OF PAYMENT: \$ 1,330.00
METHOD OF PAYMENT

The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-0496

Deposit Account Name: Symyx Technologies, Inc.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Charge the Issue Fee Set at 37 CFR 1.18 at the Mailing of the Notice of Allowance

FEE CALCULATION

1.EXTRA CLAIM FEES

		Extra Claims		Fee from below		Fee Paid
Total Claims		-20** =		X	=	
Independent Claims		-3** =		X	=	
Multiple Dependent Claims (first appearance) \$290/145						

**or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
				SUBTOTAL (2) (\$)

2. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge – late filing fee or oath	
1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,330	2453	665	Petition to revive – unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	1,330.00
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)					
SUBTOTAL (3)					(\$ 1,330.00

*Reduced by Basic Filing Fee Paid

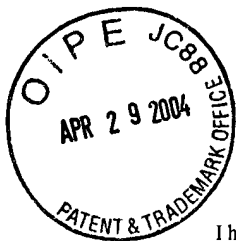
Respectfully submitted,



Paul A. Stone
Reg. No. 38,628
Attorney for Applicant(s)

Date: 4/23/04

Symyx Technologies
3100 Central Expressway
Santa Clara, California 95051
Tel.: (408) 773-4027 Fax: (408) 773-4029



Docket No. 99-1CIP1DIV2
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BY:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bergh et al.

Serial No.: 09/728,263

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For: Methods And Apparatus For
Fluid Distribution In Microfluidic
Systems

Confirmation No. 7497

Group Art Unit: 1743

Examiner: Quan, E.

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION UNDER 37 C.F.R. §1.312
(AFTER ALLOWANCE), INCLUDING
COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

This Communication is submitted under 37 C.F.R. §1.312 after allowance of the above-identified patent application. Applicants respectfully request consideration of the following comments on the Examiner's statement of reasons for allowance, and clarification regarding the same. Also, Applicants respectfully request consideration of the references listed on and enclosed with the Supplemental Information Disclosure Statement filed herewith.

Comments on Statement of Reasons for Allowance

In the Notice of Allowability accompanying the Notice of Allowance and Fee(s) Due mailed February 3, 2003, the Examiner's Amendment appears to include a

typographical error, in which the word “no” was inadvertently omitted (at the point indicated with [sic: no], below):

WO 96/15576 to Zanzucchi *et al.* discloses both a microfluidic manifold distributing fluids into the microcomponents. However, there is [sic: no] motivation to modify the microfluidic manifold, such that the distribution channel has a flow conductance that is substantially the same for each of the flow paths between the common port and each of the terminal ports.

(See paragraph 2, at page 3). Clarification is respectfully requested.

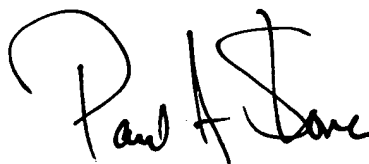
Information Disclosure Statement

As discussed in a phone conversation with Examiner Quan on March 23, 2004, the references listed on the Supplemental Information Disclosure Statement filed herewith were originally listed on previously-submitted PTO-1449 forms indicated as being received at the US PTO on June 7, 2002 and on August 29, 2002 (copies of which are attached hereto). As seen on the attached copies, references were not provided with the original Information Disclosure Statement submission since, in accordance with 37 C.F.R. §1.98(d), the references were already of record in the parent application. Despite having being properly disclosed to the Office, some of the listed references were crossed out on the PTO-1449 forms, without explanation.

In as much as the Information Disclosure Statements listing these references were timely and appropriately submitted during prosecution of the above-identified patent application, and in as much as these references, considered alone or in combination with the other art of record, do not raise any new issues relating to patentability, Applicants respectfully request that (i) these references be considered before issue of the patent application, (ii) an Examiner’s statement be made on the record indicating that the references were considered, and (iii) the references be listed on the issued patent.

Applicants believe that no further fees are required in connection with this communication under 37 C.F.R. §1.312. If necessary, however, the Examiner is hereby authorized to charge any other necessary and required fees to Deposit Account No. 50-0496.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Stone". The signature is fluid and cursive, with the first name "Paul" being more legible than the last name "Stone".

Date Submitted: Apr 23, 2004

Paul A. Stone
Reg. No. 38,628

Symyx Technologies, Inc.
3100 Central Expressway
Santa Clara, CA 95051
(408) 773-4027



Attorney's Docket No. 99-1 C I P I D I V 2
PATENT

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BY:

Suzanne Shadley

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Distribution In Microfluidic Systems

Confirmation No. 7497

Group Art Unit: 1743

Examiner: Quan, E.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR FORMAL DRAWINGS

Sir:

Enclosed herewith are forty-six (46) sheets of formal drawings for the above-identified patent application. Please enter the drawing sheets into the record of this application.

Respectfully submitted

Paul A. Stone
Reg. No. 38,628
Attorney for Applicants

Dated: Apr. 23, 2003

Symyx Technologies, Inc.
3100 Central Expressway
Santa Clara, CA 95051
Tel: (408) 773-4027
Fax: (408) 773-4029

Assistant Commissioner For Patents

Washington DC 20231 Date Mailed: 8/21/02

Docket No. 99-1CIP1DIV2 Filed: 11/28/00

Title: Methods and Apparatus for Fluid Distribution in
Microfluidic Systems

Applicant: Bergh et al. Serial No. 09/728,263

**PLEASE STAMP AND CONFIRM RECEIPT IN THE U.S.
PATENT OFFICE**

- | | |
|------------------------------------|----------------------|
| - Transmittal Statement | 2 pgs (in duplicate) |
| - Information Disclosure Statement | 2 pgs |
| - PTO Form 1449 | 4 pgs |

POSTCARD



Assistant Commissioner For Patents

Washington DC 20231 Date Mailed: 5/28/02

Docket No. 99-1CIP1DIV2 Filed: 11/28/00

Title: Methods and Apparatus for Fluid Distribution in
Microfluidic Systems

Applicant: Bergh et al. Serial No. 09/728,263



**PLEASE STAMP AND CONFIRM RECEIPT IN THE U.S.
PATENT OFFICE**

- Transmittal Statement 2 pgs (in duplicate)
- Information Disclosure Statement 2 pgs
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